

# e NOTICE OF TELEPHONE HEARING IN THE MATTER OF A CLAIM FOR UNEMPLOYMENT COMPENSATION BENEFITS

JSND APPEAL SECTION PO BOX 5507 BISMARCK, ND 58506-5507 TOLL FREE 1-800-351-9098 TTY: Relay ND 800-366-6888

3-002

APPEAL FILED BY THE EMPLOYER FROM A DETERMINATION DATED 01/03/2020

NATASHA N MCMILLEN 120 2ND AVE SW WATERTOWN SD 57201-4215

EXPRESS SERVICES INC 9701 BOARDWALK BLVD PO BOX 720660 OKLAHOMA CITY OK 73172-0660

Social Security Number: 498-80-5559

00050

Referee: MACKENZIE DUTCHUK

Issue Number:

0005QT

\*\*Read this notice carefully and note that there is a deadline date and time for confirming your attendance. You MUST respond by this date and time - read further.\*\*

Hearing Date/Time MON, MAR 23, 2020 At 12:30 PM CST

The hearing will take place via conference call to include all persons who call in to confirm their attendance.

Attendance By 03:00 PM CST

You may call in any day leading up to this deadline. You will be required to supply the operator with the phone number you can be reached at for the hearing.

Number to Call

1-800-351-9098 or TTY 1-800-366-6888

Issue(s)

QUIT: TEMPORARY AGENCY

WHETHER THE CLAIMANT VOLUNTARILY LEFT EMPLOYMENT WITHOUT GOOD CAUSE ATTRIBUT-ABLE TO THE EMPLOYER OR WAS DISCHARGED FOR MISCONDUCT CONNECTED WITH THE WORK.

#### \*\*\*Important items of which to be aware\*\*\*

- 1. Failure to confirm your attendance before the deadline date and time will be considered as a non-appearance and you will **NOT** be allowed to participate in the hearing.
- 2. Attempts to confirm your attendance by any other means of communication other than by calling the number listed above will not be accepted.
- 3. You are expected to arrange time off from your everyday affairs including work, vacation and doctor appointments.
- 4. Postponement requests <u>MUST</u> be submitted in writing and are only granted for extenuating and extraordinary circumstances.
- 5. If you wish to withdraw your appeal you must send in a written request to the address listed above.

CC:

I hereby certify that on 03/10/2020 at Bismarck, North Dakota, a copy of this notice was mailed to the party(s) of interest as so identified in the proceedings.

## Unemployment Insurance Appeal Guide

Read the Notice of Hearing and this guide for important information. Take special note of the deadline to call in and confirm your attendance at the hearing and the date and time of your hearing. You are expected to make necessary arrangements to participate in the scheduled hearing.

## Claimants: Continue to Certify

Continue to certify your weekly claims and complete all other eligibility requirements while your appeal is pending.

## General Hearing Information

The appeal hearing is your opportunity to testify, present evidence, and sum up your arguments. Failure to timely register your appearance and participate in the hearing could result in loss of benefits or the employer's account being charged for benefits paid to a claimant.

#### Appeal hearings:

- Are informal but conducted in an organized manner.
- Are normally conducted by telephone but may be in-person at the discretion of the appeals referee.
- Last approximately 30 to 45 minutes.
- Are conducted by an appeals referee who asks questions designed to bring out the facts surrounding the issue. The appeals referee will make every effort to help both parties present their cases.

#### Appeal decisions:

- Will be based on the evidence in the record and the testimony taken at the hearing. It is to your benefit to be present at the scheduled hearing.
- Could affect the employer's unemployment tax rate.
- Could affect the claimant's right to benefits.
- Could result in an overpayment of benefits which the claimant must repay.

## Prepare for Your Hearing

Exhibits—Review all exhibits enclosed with your Notice of Appeal Hearing. These documents are also available online through UI ICE (claimants) and UI EASY (employers).

Attorneys-Notify the Job Service Appeals Section if you plan to have an attorney represent you at the hearing. It is your responsibility to make legal arrangements and cover legal expenses. Job Service does not provide attorneys or legal advice but will keep your attorney informed and share hearing exhibits.

Witnesses—Witnesses may testify on your behalf and should have direct, firsthand knowledge of the facts. They should have been present or have been actual participants in the actions or events that caused the employment separation. It is your responsibility to Document 1-5 Filed 65x174/2028 Page 2 of 21

ensure your witnesses are with you at the time of the hearing or that you provide contact information for your witnesses when calling in to confirm participation in the

Other Documents—Submit documents that support your testimony (separation statements, attendance records, written warnings, work searches etc.) to the appeals referee as far in advance of the hearing date as possible. You must send copies of these same documents to the opposing party. Failure to provide copies to the opposing party may result in the document not being permitted at the hearing.

Subpoenas— You must attempt to (1) contact potential witnesses and request their testimony at the hearing and (2) attempt to obtain documents from your former employer or other entities, prior to requesting a subpoena. The appeals referee will determine if your request is significant to the case before issuing a subpoena. You will not be charged for the cost of issuing a subpoena.

Postponement Request— You are expected to arrange time off from your everyday affairs including work, vacation, doctor appointments, etc., in order to participate in the hearing. Postponement requests must be submitted in writing and are only granted for extenuating and extraordinary circumstances. Requests for postponement must be in writing. The original hearing date and time will remain in effect unless the appeals referee has granted a postponement verbally or in writing. Do not submit a postponement request and assume your request will be granted.

## **Telephone Hearings**

- Call the Appeals Section (800-351-9098) during business hours any time before 3:00 p.m. of the day identified on the Notice of Hearing.
- Be prepared to provide the phone number where you can be reached, and the names and phone numbers of any witnesses who will testify on your
- Be available at the scheduled hearing time. The appeals referee will call you at the number you provided and connect all parties through a conference call.
- If you need an interpreter during your hearing, notify the Job Service Appeals Section when you call in or appear in person for your hearing. Indicate the language to be interpreted.

Refer to your Unemployment Insurance Claimant Guide or contact the Appeals Section for more information.

> JOB SERVICE NORTH DAKOTA APPEAL SECTION PO BOX 5507 BISMARCK, ND 58506-5507

JOB SERVICE NORTH DAKOTA BENEFIT SECTION PO BOX 5507, BISMARCK, ND 58506-5507 701-328-2866

(TTY) 800/366-6888 or (Fax) 701-328-2728

## NONMONETARY DETERMINATION NOTICE - EMP

	EMPLOYER NOTICE	01/03/2020
EXPRESS SERVICES INC 9701 BOARDWALK BLVD PO BOX 720660 OKLAHOMA CITY OK 73172-0	660	498-80-5559 25 550 0005QT

NATASHA N MCMILLEN

QUIT: TEMPORARY AGENCY

UNEMPLOYMENT INSURANCE (UI) BENEFITS ARE ALLOWED FOR THIS ISSUE. AFTER CONSIDERING ALL THE INFORMATION PROVIDED, IT IS DETERMINED THAT:

- 1. YOU CONTACTED THE EMPLOYER (TEMPORARY HELP FIRM) FOR A FURTHER JOB ASSIGNMENT PRIOR TO FILING YOUR CLAIM FOR BENEFITS AND NO ASSIGNMENTS WERE AVAILABLE, OR
- 2. YOU WERE NOT NOTIFIED OF THE REQUIREMENT TO CONTACT THE EMPLOYER (TEMPORARY HELP FIRM) PRIOR TO FILING FOR BENEFITS, OR
- 3. YOU CONTACTED THE EMPLOYER (TEMPORARY HELP FIRM) AND THE NEXT ASSIGNMENT THAT WAS OFFERED WAS NOT DEEMED TO BE SUITABLE WORK.

THIS DETERMINATION TO ALLOW BENEFITS APPLIES ONLY TO THIS ISSUE. YOU NEED TO CONTINUE TO MEET ALL ELIGIBILITY REQUIREMENTS OF THE UI LAW IN ORDER TO CONTINUE TO RECEIVE UI BENEFIT PAYMENTS.

#### RIGHT OF APPEAL:

If you believe the facts or the law applied in this determination are incorrect, you have

12 days in which to

file an appeal. Your request must be in writing and filed on or before

01/15/2020.

Appeals may be filed online by going to the UI EASY (Unemployment Insurance Employer Account System) link at <a href="https://www.jobsnd.com">www.jobsnd.com</a> and clicking on the File New Appeal link or by completing the appeal request form included with this determination. Appeals filed on paper must be postmarked, faxed, or hand delivered to the address at the top of this form no later than the deadline date. You must state the reason(s) you disagree with this determination so another determination may be made or an appeal schedule.

You can receive assistance in filing your appeal by calling 1-800-351-9098.

#### (SEE REVERSE FOR RELEVANT CITATION)

LAW: 52-06-02

AN INDIVIDUAL IS DISQUALIFIED FOR BENEFITS: FOR THE WEEK IN WHICH HE HAS LEFT HIS MOST RECENT EMPLOYMENT VOLUNTARILY WITHOUT GOOD CAUSE ATTRIBUTABLE TO THE EMPLOYER, AND THEREAFTER UNTIL SUCH TIME AS HE:

- A. CAN DEMONSTRATE THAT HE HAS EARNED REMUNERATION FOR PERSONAL SERVICES IN EMPLOYMENT EQUIVALENT TO AT LEAST EIGHT TIMES HIS WEEKLY BENEFIT AMOUNT AS DETERMINED UNDER SECTION 52-06-04; AND
- B. HAS NOT LEFT HIS MOST RECENT EMPLOYMENT UNDER DISQUALIFYING CIRCUMSTANCES.

A TEMPORARY EMPLOYEE OF A TEMPORARY HELP FIRM IS DEEMED TO HAVE LEFT EMPLOYMENT VOLUNTARILY IF THE EMPLOYEE DOES NOT CONTACT THE TEMPORARY HELP FIRM FOR REASSIGNMENT BEFORE FILING FOR BENEFITS. FAILURE TO CONTACT THE TEMPORARY HELP FIRM IS NOT DEEMED A VOLUNTARY LEAVING OF EMPLOYMENT UNLESS THE CLAIMANT WAS ADVISED OF THE OBLIGATION TO CONTACT THE TEMPORARY HELP FIRM UPON COMPLETION OF AN ASSIGNMENT AND ADVISED THAT UNEMPLOYMENT BENEFITS MAY BE DENIED FOR FAILURE TO CONTACT THE TEMPORARY HELP FIRM.

AS USED IN THIS SUBSECTION, "TEMPORARY EMPLOYEE" MEANS AN EMPLOYEE ASSIGNED TO WORK FOR A CLIENT OF THE TEMPORARY HELP FIRM; AND "TEMPORARY HELP FIRM" MEANS A FIRM THAT HIRES THAT FIRMS'S OWN EMPLOYEES AND ASSIGNS THESE EMPLOYEES TO A CLIENT TO SUPPORT OR SUPPLEMENT THE CLIENT'S WORK FORCE IN A WORK SITUATION SUCH AS EMPLOYEE ABSENCE, TEMPORARY SKILLS SHORTAGE, SEASONAL WORKLOAD, A SPECIAL ASSIGNMENT OR A SPECIAL PROJECT.

## **Fax Cover Page**



## 9701 Boardwalk Blvd. Oklahoma City, OK 73162

1/7/2020 AT 4:31:18 PM

To: Job Service North Dakota Fax: 7013282728

Subject: Claim ID: 696270, Claimant Name: NATASHA MCMILLEN

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From: Melissa VanNoy Department: RISK UI

Pages: 4

This information is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and destroy the original. Any other use of the fax by you is prohibited.

EXPRESS SERVICES, INC. P.O. Box 720660 Oklahoma City, OK 73172



January 7, 2020

Job Service North Dakota P.O. Box 5507, Bismarck, ND 58506

RE:	NATASHA MCMILLEN
SSN:	498-80-5559
Employer :	EXPRESS SERVICES, INC.
Ul Account :	740489
First Date Worked:	10/24/2019
Last Date Worked:	11/04/2019
Termination Date:	Active
Claim Effective Date :	12/06/2019
Mailing Date :	12/06/2019
Claim ID :	696270
Benefit Year Date :	12/06/2019

Dear State Representative,

We wish to appeal the determination which allowed benefits to the above individual.

We disagree with the decision mailed on 01/03/2020.

We feel EXPRESS SERVICES, INC. should not be charged for any unemployment benefits that might be paid and/or feel claimant should be disqualified for benefits. Please schedule the unemployment hearing by telephone if this is possible.

Please send all correspondence to:

P.O. Box 720660 Oklahoma City, OK 73172

If you have any questions, please contact our local office, where the claimant worked, at: 405-840-5000 Ext: 4710

Melissa VanNoy UI Claims Analyst II Risk Management

Kelissa Vent Co

#### JOB SERVICE NORTH DAKOTA BENEFIT SECTION PO BOX 5507, BISMARCK, ND 58506-5507 701-328-2866

(TTY) 800/366-6888 or (Fax) 701-328-2728

## NONMONETARY DETERMINATION NOTICE - EMP

	EMPLOYER NOTICE	01/03/2020
EXPRESS SERVICES INC 9701 BOARDWALK BLVD PO BOX 720660 OKLAHOMA CITY OK 73172-0	660	498-80-5559 25 550 0005QT 0740489

NATASHA N MCMILLEN

QUIT: TEMPORARY AGENCY

UNEMPLOYMENT INSURANCE (UI) BENEFITS ARE ALLOWED FOR THIS ISSUE. AFTER CONSIDERING ALL THE INFORMATION PROVIDED, IT IS DETERMINED THAT:

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#### RIGHT OF APPEAL:

If you believe the facts or the law applied in this determination are incorrect, you have 12 days in which to

file an appeal. Your request must be in writing and filed on or before 01/15/2020.

Appeals may be filed online by going to the UI EASY (Unemployment Insurance Employer Account System) link at <a href="https://www.jobsnd.com">www.jobsnd.com</a> and clicking on the File New Appeal link or by completing the appeal request form included with this determination. Appeals filed on paper must be postmarked, faxed, or hand delivered to the address at the top of this form no later than the deadline date. You must state the reason(s) you disagree with this determination so another determination may be made or an appeal schedule.

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LAW: 52-06-02

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- A. CAN DEMONSTRATE THAT HE HAS EARNED REMUNERATION FOR PERSONAL SERVICES IN EMPLOYMENT EQUIVALENT TO AT LEAST EIGHT TIMES HIS WEEKLY BENEFIT AMOUNT AS DETERMINED UNDER SECTION 52-06-04; AND
- B. HAS NOT LEFT HIS MOST RECENT EMPLOYMENT UNDER DISQUALIFYING CIRCUMSTANCES.

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2-222

## Job Service North Dakota Request for Lower Authority Appeal

498-80-5559	NATASHA	MCMILLEN	EMPLOYER REQUEST
ISSUE NUMBER: ISSUE DESCRIPT QUIT: TEMPORAR	ION:	CODE: QT	EXPRESS SERVICES INC TAX ACCOUNT NUMBER: 0740489
S S S S S S S S S S S S S S S S S S S	b Service North Dak	SE THINVIOR THE PROPERTY OF STANK	eal request then no further action is required. If y you disagree in the space provided below and e listed on your determination. You may include
Signed  ** Please include any d	locumentation that y ase 2:20-cv-04080	Date ou feel supports your appeal	Phone Phone appeal of quest.

GE 5/5 \* RCVD AT 1/7/2020 4:31:23 PM [Central Standard Time] \* SVR:ITDRFAX/8 \* DNIS:3282728 \* CSID: Channel-5 \* ANI:4058405000 \* DURATION (mm-ss):02-26

**EXHIBIT** 



## Unemployment Insurance Internet Claims Entry



Income Tax Withholding

Main Menu

01/10/2020

## Claim #: 545606 Confirmation #: W021306299

Employment History

United States Citizen Educational Employment Farming/Ranching

Federal Employment Armed Forces Service Work in Other States

Business Ownership

Return to Employer Union Out of Work List Work Limitations

Self-Employment Commission

Out of State Claim Severance Pay

Pension/Retirement/Disability Pay

Available for Work School Enrollment Work Schedule

Willingness to Work Same Days and Hours

Child Support

#### Claim Details

Claim Type: Submitted Date:

Date Started:

Additional Claim 12/05/2019 03:39 PM 12/05/2019 03:09 PM

Last Day Worked: Effective Date:

11/27/2019 12/01/2019

Date Transferred

to Mainframe:

12/05/2019 03:39 PM

Employers Indicator: Y Web Service Error:

#### Last Day Worked

When you filed your claim on October 11, 2019, you indicated your last day worked was September 22, 2019.

Have you worked for any employer in any state since September 22, 2019?\*

#### Claimant Demographics

Name:

NATASHA N. MCMILLEN

SSN: Date of Birth:

498-80-5559 10/03/1978

Street:

120 2ND AVE N

PO Box:

City, State Zip:

WATERTOWN, SD 57201

Country: Telephone:

United States 605-237-6282

Gender:

Female White

Race: Ethnicity:

Not Hispanic

Type of Work:

Business and Financial Occupation

Education:

Bachelors Degree

Are you a veteran?: No

Local Office:

Out of State

#### **Employment History**

Employer: Express Employment Professiona - Start Date: 10/24/2019 - End Date: 11/02/2019 - Back to Top

Are you currently employed part time by Express Employment Professiona? NO You indicated your schedule was:

Reason No Longer Working for Express Employment Professiona: Lack of Work Layoff or Position Eliminated Detail: Seasonal work and they are no longer doing beet harvest. I did move from that area.

tesponse	to race rm	ding Letter
Date of	Mailing:	12/13/201

)005QT

Response to Fact Finding Letter

**EXHIBIT** 

3

**EXPRESS SERVICES IN** 

## Dear MCMILLEN, NATASHA N:

At the time you filed your claim for unemployment benefits you reported lack of work as the reason you are unemployed. The employer has since provided information stating the reason you are no longer employed with them is that you quit. This has created an issue on your claim. Your benefits have been suspended until this issue is resolved. Please answer he following questions: imployer Stated: laimant is considered to have voluntarily quit Express as she did not check back for further assignment If an employer statement has been included on this letter, do you agree with the employer's statement? No you disagree, explain in detail what you disagree with and why. /hen I called in they said they didn?t have anything and would let me know. I had no where to live in grand forks any inger and had to move. What dates did you work for this employer? (provide the date you started and last date you worked for this nployer) 10/24/2019 - 11/02/2019 What type of work did you perform for the employer? eat harvest hat was the date of the final incident that resulted in your separation from the temporary help firm? (not the client u were assigned to) 11/02/2019 d you complete your last work assignment before filing your claim for unemployment benefits? Yes you did not complete the final work assignment, please explain why you did not complete the assignment (be as ecific as possible). mpleted

hat was the date you last worked for the most recent client you were assigned to? 11/02/2019

Case 2:20-cv-04080-NKL Document 1-5 Filed 05/14/20 Page 12 of 21

inemployment benefits? 11/02/2019
Did you contact the employer (temporary help firm) for an additional assignment? Yes
f yes, on what date did you contact the employer (temporary help firm)? 11/04/2019
Who did you request the assignment from? On not remember the name
Vere you offered a new assignment? No
you were offered a new assignment, did you accept the new assignment? Yes
'you refused a new assignment, provide the reason(s) for the refusal.
n what date was or is the new assignment to start?
/ere you advised that unemployment benefits could be affected if you did not request a new assignment prior to ling your claim for unemployment insurance benefits? Yes
n what date were you advised that unemployment benefits could be affected if you failed to contact the temporary elp firm for re-assignment prior to filing your claim for unemployment insurance benefits? 10/24/2019
Were you discharged from the temporary help firm listed in this letter? Yes

Be Legendary.

12/13/2019

**EXPRESS SERVICES INC** 9701 BOARDWALK BLVD PO BOX 720660 OKLAHOMA CITY OK 73172

Account -

0740489

Ref - Unemployment claim for MCMILLEN, NATASHA N, SSN Ending - 5559, Issue - 0005QT

\*\*\* You can now respond electronically from either (1) your UIEASY account (Under UI Tax Account Management select View / Respond to Benefit Documents), or (2) www.jobsnd.com (Select Unemployment for Business. Click on the Fact Finding Response button. Enter the Document Access Code listed below).

Document Access Code -> 0049-3763-0012-6260

In your response to the Notice of Claim you stated the reason the claimant is no longer working for you is quit.

Please answer the following questions regarding the claimant's separation from your employment. This information will be used in determining the claimant's eligibility for unemployment compensation and your proportionate share of any potential charges to your account resulting from any benefits paid to the claimant. It is important that you answer all of the questions on this letter. Failure to answer all the questions may result in your response being deemed as an inadequate response per NDCC 52-04-07 (3)(b).

Please provide detailed information surrounding the claimant's separation from your company (NOT THE CLIENT THEY WERE WORKING FOR).

Please answer all questions to the best of your knowledge. You may use additional sheets if needed.

1. What dates did the claimant work for you? (provide the start and end dates of employment)

10/24/19-11/4/19

2. What type of work did the claimant perform for you?

General Labor - Light

3. Please indicate the claimants current employment status with your organization. (Please select from: Discharged / Quit | Layoff / Still Employed / Suspended)

4. Did the claimant complete the final work assignment?

Me S

5. What was the date the claimant last worked for the most recent client they were assigned to?

11/4/19

6. Did the claimant contact you for an additional assignment between the time of their last assignment and the date of this notice?

ND

rptFFLetterEmployer 014

PO Box 5507 · Bismarck, ND 58506-5507 701-328-2866 (Phone) • 800-366-6888 (TTY) • 701-328-2728 (Fax)

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Page 1 of 2

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your
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**Important** 

Please note: If an online response is not received or paper reply is not postmarked within five (5) days of the date of this request, a determination will be made on the basis of information available.

rptFFLetterEmployer 014 PO Box 5507 · Bismarck, ND 58506-5507 701-328-2866 (Phone) · 800-366-6888 (TTY) · 701-328-2728 (Fax)

2011950/493763 DH

Page 2 of 2

## **Fax Cover Page**



## 9701 Boardwalk Blvd. Oklahoma City, OK 73162

12/20/2019 AT 4:07:37 PM

To: 7013282728@fax.expresspros.com

Subject: FW: Scanned image from RiskSharpMX-4070V

Fax: 7013282728

From: Jones, Taya M.

Pages: 5

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Nataya Jones | UI Claims Analyst II Risk Management Express Employment Professionals International Headquarters 9701 Boardwalk Blvd | Oklahoma City, OK 73162 (405) 840-5000 ext. 4269 taya.jones@expresspros.com

Risk Management - The purpose of risk management is to create, protect, and enhance Express Employment Professional's value by managing the uncertainties that could either negatively or positively influence the achievement of Express Employment Professional's objectives. Our goal is to provide costeffective risk management solutions for underwriting, workers' compensation, unemployment, and contract review with exceptional customer service.

----Original Message----

From: risksharpmx-4070v@expresspros.com <risksharpmx-4070v@expresspros.com>

Sent: Friday, December 20, 2019 3:55 PM

To: Jones, Taya M. <Taya.Jones@ExpressPros.com> Subject: Scanned image from RiskSharpMX-4070V

Reply to: RiskSharp4070 <risksharpmx-4070v@expresspros.com>

Device Name: RiskSharpMX-4070V

Device Model: MX-M4070

Location: Risk

File Format: PDF MMR(G4) Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.

Use Acrobat(R) Reader(R) or Adobe(R) Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

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http://www.adobe.com/

## Fax Cover Page



## 9701 Boardwalk Blvd. Oklahoma City, OK 73162

12/12/2019 AT 11:00:21 AM

To: Job Service North Dakota Fax: 7013282728

Subject: Claim ID: 696270, Claimant Name: NATASHA MCMILLEN

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From: Taya Jones Department: RISK UI

Pages: 2

This information is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and destroy the original. Any other use of the fax by you is prohibited.

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December 12, 2019

Job Service North Dakota P.O. Box 5507 Bismarck, ND - 58506

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RE:	NATASHA MCMILLEN
SSN:	498-80-5559
Employer:	EXPRESS SERVICES, INC.
Ul Account :	740489
First Date Worked:	10/24/2019
Last Date Worked :	11/04/2019
Termination Date :	Active
Claim Effective Date :	12/06/2019
Mailing Date :	12/06/2019
Claim ID :	696270
Benefit Year Date :	12/06/2019

Dear State Representative,

Claimant is considered to have voluntarily quit Express. Although claimant did complete the assignment or the client released the claimant for other reasons not associated with misconduct, claimant did not contact Express for further assignments within 48 hours, nor did he/she maintain weekly contact. Every associate is given a Welcome Brochure at the time of hire and this policy is listed in this brochure. Claimant read and signed an acknowledgement page understanding our policies and was aware of the requirement to call in available. Therefore, claimant's separation was not attributable to Express. Being a staffing company, claimant could have immediately been assigned to another assignment. Express does feel that claimant is not making him/herself available for work and should be disqualified for benefits. Express should not be charged for any benefits should you decide to allow the claim. Calling in available is also considered under North Dakota Law 52-06-02.1(b).

In addition, this claim was sent to the incorrect address/account number. The correct account number is above.

IF A SIGNED HANDBOOK RECEIPT IS REQUIRED, PLEASE CONTACT THE LOCAL FRANCHISE AT THE NUMBER BOLDED BELOW.

We feel EXPRESS SERVICES, INC. should not be charged for any unemployment benefits that might be paid and/or feel claimant should be disqualified for benefits. Please mail the claim determination and/or correspondence to:

P.O. Box 720660 Oklahoma City, OK 73172

Motery Jones

If you have any questions, please contact our local office, where the claimant worked, at: 701-787-5655

Taya Jones

Unemployment Claims Analyst II

Risk Management

2-040

JOB SERVICE NORTH DAKOTA
APPLICANT SERVICES
PO BOX 5507, BISMARCK, ND 58506-5507
701-328-2866
(TTY) 800-366-6888 of (Fax) 701-328-2728
NOTICE OF CLAIM FOR JOB INSURANCE BENEFITS
12/06/2019

TAX RATED EMPLOYER

ACCNT:

TYPE:

LAST

SSN:

498-80-5559

EXPRESS EMPLOYMENT PROFESSIONA 3590 S 42ND STREET GRAND FORKS ND 58201

#### CLAIMANT: NATASHA N MCMILLEN

THIS NOTICE IS TO INFORM YOU THAT THE CLAIMANT LISTED ABOVE HAS FILED A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS.

THIS EMPLOYEE STATES THAT EMPLOYMENT ENDED BECAUSE: LACK OF WORK. IF YOU AGREE THAT THE SEPARATION WAS DUE TO A LACK OF WORK, NO RESPONSE TO THIS NOTICE IS REQUIRED. IF THE SEPARATION WAS DUE TO REASONS OTHER THAN LACK OF WORK, PLEASE RESPOND ON THE BACK SIDE OF THIS NOTICE WITH DETAILED REASONS WHY THE CLAIMANT IS NO LONGER EMPLOYED BY YOU.

THIS EMPLOYEE WILL BE REQUIRED TO SEARCH FOR WORK DURING THIS PERIOD OF UNEMPLOYMENT.

Your reply must be delivered or postmarked no later than 12/16/2019 or the determination of Job Service shall be final.